

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RLI INSURANCE COMPANY	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION
	:	NO. 05-858
INDIAN RIVER SCHOOL DISTRICT	:	
and	:	
EDiS COMPANY	:	
and	:	
BECKER MORGAN GROUP, INC.	:	
	:	
Defendants.	:	

PROPOSED VOIR DIRE OF PLAINTIFF, RLI INSURANCE COMPANY

Plaintiff, RLI Insurance Company, respectfully submits to the Court that, in addition to the voir dire of the jury venire by the Court, in order to select fair and impartial jurors, it be permitted to ask the following questions:

1. Does any member of the jury panel work for or has worked for in the past the State of Delaware or any of its agencies?
2. Does any member of the jury panel have a family member or close friend who works for or has worked for in the past the State of Delaware or any of its agencies?
3. Does any member of the jury panel work for or has worked for in the past a private or public school district?
4. Does any member of the jury panel have a family member or close friend who works for or has worked for in the past a private or public school district?
5. Does any member of the jury panel work or has worked in the past as an architect or at an architectural firm?

6. Does any member of the jury panel have a family member or close friend who works for or has worked for in the past as an architect or at an architectural firm?

7. Does any member of the jury panel work or has worked in the past in a construction or construction management company?

8. Does any member of the jury panel have a family member or close friend who works for or has worked in the past as at a construction or construction management company?

9. Does anyone know that there is a difference between a surety company and an insurance company?

A. What do you understand that difference to be?

B. Is there anyone who would be unable to take into account the differences between an insurance company and a surety company when deciding the evidence?

10. Does any member of the jury panel work or has worked in the past at a surety company or in a surety related industry?

11. Does any member of the jury panel have a family member or close friend who works for or has worked in the past at a surety company or in a surety related industry?

12. Does any member of the jury panel work or has worked in the past in a commercial mechanical plumbing/HVAC company?

13. Does any member of the jury panel have a family member or close friend who works for or has worked in the past in a commercial mechanical plumbing/HVAC company?

14. The plaintiff in this case, RLI, is seeking a declaratory judgment against the Indian River School District for breaching its contractual duties to RLI under the surety bond. If the evidence shows that RLI is entitled to be excused from its responsibility to Indian River, would anyone be adverse to finding in RLI's favor since a public school district is a party?

15. Does any member of the jury panel have any favoritism to or prejudice against a surety company as a party to this case?

16. Indian River School District, a local school district, has filed a counterclaim against RLI seeking an award of money for damages it claims to have sustained as a result of the work performed by McDaniel Plumbing and Heating. Would any member of the jury panel be more inclined to award damages in Indian River's favor because of the fact that RLI is an out of state surety company?

17. Is any member of the jury panel under the impression if the school district does not win its counterclaim against RLI that it might have a personal financial impact upon them from increased taxes?

18. Has any member of the panel had a bad or unpleasant experience with an insurance company in presenting a claim for damages?

19. Do you know of a family member or close friend who had a bad or unpleasant experience in presenting a claim for damages to a surety company?

20. Has any member of the jury panel ever been a party to a lawsuit where they were either the plaintiff, the party pursuing the claim, or the defendant, the party defending the claim?

21. Has anyone on the jury panel ever had a bad or unpleasant experience with a plumbing contractor doing work at their home or place of work?

22. Does anyone on the jury panel have a family member or close friend who has had a bad or unpleasant experience with a mechanical plumbing or HVAC contractor doing work at their home or place of work?

23. Does any panel member live within the Indian River School District or have family that lives in the Indian River School District?

24. Does any panel member have a family member that attends school or has attended school in the Indian River School District in the last 4 years?

25. Does anyone have any reason as to why they believe that they cannot be a fair and impartial juror on this case?

26. Does anyone on the panel know William McDaniel, Cindy McDaniel and/or McDaniel Plumbing and Heating?

Respectfully submitted:

ABER, GOLDLUST, BAKER & OVER

/s/ Perry F. Goldlust

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DATE: December 3, 2007

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